



**Austin City Council  
MINUTES**

**REGULAR MEETING  
THURSDAY, DECEMBER 2, 1999**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, December 2, 1999, in the City Council Chambers, at 307 West Second Street, for the following purposes:

Mayor Watson called the meeting to order at 9:45 a.m. Council Member Lewis was absent.

**BRIEFINGS**

2. Bull Creek Study  
A presentation was given by Mike Heitz, Director Drainage Utility; Joe Pantalion, Manager Fleet Operations and Ben Luckens, Development Services Process Coordinator.
3. Town Lake Overlay (Waterfront Overlay) and Town Lake Master Plan  
A presentation was given by Alice Glasco, Director of Department of Review, Inspection and Development.

**EXECUTIVE SESSION (No Public Discussion on These Items)**

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Executive session was held at 12:30 p.m.

**Private Consultation with Attorney - Section 551.071**

6. Discuss Travis County Emergency Services District 4 v. City of Austin, Cause No. 98-07880, in the Travis County District Court.
8. Discuss *City of Austin v Austin Airmotive, Ltd., and Richard Serbin, Trustee*, Cause No. 2281, in Probate Court Number One of Travis County, Texas.

#### **Real Property – Section 551-072**

11. Discuss acquisition of real property for Building Services.
12. Discuss purchase options for property to be acquired under the Airport's Part 150 study (Noise Compatibility Program.)

**Executive Session ended at 1:35 p.m.**

**1:30 LIVE MUSIC:** 6th & Groove

**INVOCATION** – Dr. Jacquelyn McDonald Mims, Pastor of Imani Community Church.

#### **MINUTES**

15. Approval of minutes for Special Called Meeting of November 8, 1999 and the Regular Meeting of November 18, 1999, Correction to Item #50 on approved minutes of November 4, 1999.

**The minutes were approved on Council Member Garcia's motion, Mayor Pro Tem Goodman 's second by a 6-0 vote. Council Member Lewis was absent.**

#### **CITIZEN COMMUNICATIONS: GENERAL**

16. Cecelia M. Wood
17. Tommy Eden – To Express Support for Construction of Lamar Bicycle/Pedestrian Bridge
18. Robert L. Thomas – Rosewood Recreation Center for Employment
19. Monique S. Young
20. Gerald Balaka – Airport Public Transportation – **Absent.**
21. Jennifer L. Gale – Official Announcement: Candidate for Mayor of the City of Austin
22. Kevin McGaughy - **Absent**
23. Ray Ramirez – Voter Registration Related Issues - **Absent.**
24. Clint Smith – Increasing Citizen Involvement in Government - **Absent.**
25. Richard Troxell – Homelessness in Austin

#### **CONSENT AGENDA**

**The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Griffith's**

motion, Council Member Spelman's second by a 6-0 vote. Council Member Lewis was absent.

**Item 26 was pulled for discussion.**

27. Approve a resolution authorizing negotiation and execution of an agreement with the STATE GENERAL SERVICES COMMISSION (1) to lease 18,106 square feet of space in the state parking garage located one block west of the Hobby Building (Parking Garage N), at an initial monthly rate of \$7,544.17 for a term of 99 years (\$90,530 total yearly lease amount), for the purpose of housing a district cooling plant to serve downtown customers, including Computer Sciences Corporation; and (2) to pay a one-time payment of up to \$85,000 for the relocation of State shop personnel. (Funding in an amount of \$85,000 is available in the 1999-2000 Approved Operating Budget of the Electric Utility Department. Funding for the remaining term of the agreement is contingent upon approval of future budgets.) (Recommended by Electric Utility Commission)

**Resolution No. 991202-27 was approved.**

28. Approve a resolution authorizing negotiation and execution of a professional services agreement with ESPEY, PADDEN / MONTGOMERY WATSON (JOINT VENTURE), Austin, Texas, for providing planning, water modeling, pump station design and construction phase services for the Southwest C Pressure Zone Improvement Project, in an amount not to exceed \$375,000. (Funding is included in the 1999-2000 Amended Capital Budget of the Water and Wastewater Utility.) Best of six qualifications. 8.7% MBE; 18.2% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

**Resolution No. 991202-28 was approved.**

**Item 29 was pulled for discussion.**

30. Authorize fee simple acquisition of seventeen tracts of land containing 457.255 acres, more or less, out of and a part of the Reuben Hornsby Survey No. 17 in Travis County, Texas owned by members of the PLATT AND ARNOLD FAMILIES for the expansion of the Hornsby Bend Biosolids Management Plant, in the amount of \$7,092,205 plus an estimated \$238,000 for relocation benefits, for a total amount of \$7,330,205. (Funding in an amount of \$7,330,205 is included in the 1999-2000 Amended Capital Budget of the Water & Wastewater Utility.)

**Resolution No. 991202-30 was approved.**

31. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with CAMP DRESSER & MCKEE, INC., Austin, Texas, for engineering services for additional design and resident engineering services for the Ullrich Water Treatment Plant 100 MGD Project, in the amount not to exceed \$204,905 for a total amount not to exceed \$6,869,277. (Funding in an amount of \$204,905 is included in the 1997-1998 Amended Capital Budget of the Water & Wastewater Utility.) 0% MBE, 15.3% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

**Resolution No. 991202-31 was approved.**

32. Approve a resolution authorizing execution of a contract with MUNIZ CONCRETE AND CONTRACTING, INC. (MBE/MH), Austin, Texas, for the Austin Comprehensive Urban Trail Town Lake Improvement Project in the amount of \$717,646. (Funding in an amount of \$364,646 was included in the 1997-1998 Amended Capital Budget of the Parks and Recreation Department and \$353,000 was included in the 1998-1999 Approved Capital Budget of the Electric Utility.) Low bid of six. MUNIZ CONCRETE AND CONTRACTING, INC. (MBE/MH) MBE Prime; 15% WBE subcontracting participation.  
**This item has been postponed indefinitely.**

33. Approve a resolution authorizing ratification of a service contract with SIMPLEX TIME RECORDER COMPANY, Austin, Texas, to provide upgrades to the fire alarm system at Austin-Bergstrom International Airport, in an amount not to exceed \$166,700. (Funding is available in the 1999-2000 Approved Operating Budget of the Department of Aviation.) Sole Source. No MBE/WBE subcontracting participation. (Recommended by Airport Advisory Board)

**Resolution No. 991202-33 was approved.**

34. Approve a resolution authorizing execution of a twelve-month service agreement with AAMCO TRANSMISSIONS, Austin, Texas, to provide rebuilt automatic transmissions and installation services for the Fleet Services Division, in an amount not to exceed \$125,000, with three twelve-month extension options in the amount not to exceed \$125,000 per extension, for a total contract amount not to exceed \$500,000. (Funding in an amount of \$104,167 was included in the 1999-2000 Approved Operating Budget for the Fleet Maintenance Fund of the Finance and Administrative Services Department, in the Unscheduled Repairs Activity. Funding for the remaining two months of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bid of two. No MBE/WBE subcontracting participation.

**Resolution No. 991202-34 was approved.**

35. Approve a resolution authorizing a contract with METROCALL, INC., Austin Texas, for a period of five years in an amount of \$2,525,862 for various City Departments as per Attachment "A" for the use of a Wireless Messaging System. (Funding in an amount of \$266,539 is available in the 1999-2000 Approved Operating Budgets of various Departments. Funding for the remaining contract period is contingent upon available funding in future budgets.) Best of three proposals received. No MBE/WBE subcontracting participation.

**Resolution No. 991202-35 was approved.**

**Items 36 and 37 were pulled for discussion.**

38. Approve a resolution authorizing negotiation and execution of an amendment to the existing professional services agreement with FREESE AND NICHOLS, INC., Austin, Texas, for construction phase services for the Loyola Lane Street Improvement Project - Phase One, in an amount not to exceed \$90,000, for a total contract amount not to exceed \$800,846.17. (Funding in an amount of \$90,000 was included in the 1991-1992 Capital Budget of the Department of Public Works & Transportation.) 11% MBE, 33%WBE subcontracting participation.

**Resolution No. 991202-38 was approved.**

39. Approve a resolution authorizing negotiation and execution of a development agreement with CWS COMMUNITIES TRUST, a Maryland real estate investment trust, to acquire and cost participate in the design and construction of a joint use water quality and detention pond in connection with road improvements on Howard Lane, Segments 2 and 3, in the amount of \$303,872.91. (Funding in an amount of \$75,000 for easements and \$228,872.91 for construction is included in the 1999-2000 Approved Capital Budget of the Department of Public Works & Transportation.)

**Resolution No. 991202-39 was approved.**

40. Approve a resolution authorizing negotiation and execution of a professional services agreement with CARTER & BURGESS, INC., Austin, Texas, to provide architectural programming services for the development of a new City Hall and landscaped public plaza, in an amount not to exceed \$100,000. (Funding is available in the 1998-1999 Amended Capital Budget of the Department of Public Works & Transportation.) Best of eleven qualifications. 8.6% MBE, 18.2% WBE subcontracting participation.

**This item was postponed to December 9, 1999.**

**Item 41 was pulled for discussion.**

42. Approve a resolution authorizing execution of a twenty-four-month supply agreement with STRUCTURAL & STEEL PRODUCTS, Ft. Worth, Texas, in an amount not to exceed \$548,471 for structural steel pole supports for the Traffic Signal Division. (Funding in an amount of \$109,694.20 was included in the 1998-1999 Amended Capital Budget of the Department of Public Works and Transportation. \$438,776.86 was included in the 1999-2000 Approved Capital Budget of the Public Works Department.) Low bid of two. No MBE/WBE subcontracting participation.

**Resolution No. 991202-42 was approved.**

43. Set a public hearing to receive public comment on an ordinance adding Chapter 8-17 to the Austin City Code relating to the regulation of automobile (valet) parking services, and amending Ordinance 990914-4 by adding fees for valet parking permits, valet operating permits and temporary parking permits. (Suggested Date and Time: December 16, 1999 at 6:00 P.M.) (If approved, annual revenue is estimated at \$17,400.)

**Resolution No. 991202-43 was approved.**

44. Waive certain fees and requirements related to street closures for the New Year's Eve A2K Party, "On the Verge", co-sponsored by the City of Austin.

**Ordinance No. 991202-44 was approved.**

45. Approve a resolution authorizing negotiation and execution of a Memorandum of Understanding with WILLIAMSON COUNTY and BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT to facilitate planning and prioritization of flood control infrastructure improvements for Regional Stormwater Management in the Lake Creek and Rattan Creek Watersheds.

**Resolution No. 991202-45 was approved.**

46. Approve a resolution authorizing negotiation and execution of a Joint Funding Agreement with the UNITED STATES DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY for water resources investigation projects for Fiscal Year 1999-2000 in the amount of \$303,260, with two twelve-month extension options in an amount not to exceed \$304,000 per extension for a total contract amount not to exceed \$911,260. (Funding in an amount of \$303,260 was included in the FY 1999-2000 Operating Budget of the Watershed Protection Department.)

**Resolution No. 991202-46 was approved.**

47. Approve a resolution authorizing negotiation and execution of a thirteen-month contract with CONNECTIONS RESOURCE CENTER, INC., Austin, Texas, to provide child care and parenting resources outreach through a mobile unit in an amount not to exceed \$254,321 with two twelve-month extension options in an amount not to exceed \$134,321 per extension for a total contract amount not to exceed \$522,963. (Funding in an amount of \$254,321 was included in the 1999-2000 Approved Operating Budget of the Health and Human Services Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.)

**Resolution No. 991202-47 was approved.**

48. Amend Ordinance No. 990914-1, the 1999-2000 Operating Budget for the Health and Human Services Department Special Revenue Fund, by accepting and appropriating an additional \$6,250 in grant funds from the Texas Department of Protective and Regulatory Services (TDPRS) for the St. John's Together and Safe program, for a total grant amount of \$206,250. (Funding in an amount of \$6,250 is available from the Texas Department of Protective and Regulatory Services, St. John Together and Safe program, for a total grant amount of \$206,250. A match of \$67,876 is included in the 1999-2000 Approved Operating Budget of the Health and Human Services Department for a total of \$274,126. The grant period is September 1, 1999 to August 31, 2000 and is renewable for a total of three years. Funding for the remaining three years is contingent upon available funding in future budgets.)

**Ordinance No. 991202-48 was approved.**

49. Approve a resolution authorizing payment of legal fees and associated expenses not to exceed \$50,000 to Akin, Gump, Strauss, Hauer & Feld, L.L.P. for legal services in connection with a water supply agreement with the Lower Colorado River Authority for the Fayette Power Project. (Funding was included in the Fiscal Year 1999-2000 Approved Operating Budget for Austin Energy.)

**Resolution No. 991202-49 was approved.**

**Item 50 was pulled for discussion.**

51. C14-98-0194 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10901 North IH-35 Service Road Northbound, from SF-2, Single Family Residence (Standard Lot) District to CS-CO, General Commercial Services-Conditional Overlay Combining District zoning with conditions. First reading on July 15, 1999; Vote: 6-0, (Garcia-absent). Conditions met as follows: Conditional Overlay reflects conditions imposed by Council on first ordinance reading. Applicant: I-35 Ltd (Blazier Rutland & Lerner); Agent: Roy Rutland. City Staff: Susan Villarreal, 499-6319.

**Ordinance No. 991202-51 was approved.**

52. C14-99-0070 – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2900 West Slaughter Lane from RR, Rural Residence District to GO-CO, General Office-Conditional Overlay Combining District zoning with conditions. First reading on August 19, 1999; Vote: 7-0. Second reading on October 7, 1999; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: Westoak Woods Baptist Church (Chris Sanders); Agent: Crocker Consulting (Sarah Crocker); City Staff: Joe Arriaga, 499-2308.

**Ordinance No. 991202-52 was approved.**

53. C14-99-0071 – Approve second/third readings on an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1900 East Anderson Lane from IP, Industrial Park District zoning to GR, Community Commercial District zoning. First reading on October 28, 1999; Vote: 5-0 (WL & JG absent). Conditions met as follows: Ordinance reflects conditions imposed by Council on first reading. Applicant: WCBP-71-J-V (Kenny Dryden); Agent: Reagan & Juarez, LLP (Paul M. Juarez). City Staff: Katie Larsen, 499-3072.

**Ordinance No. 991202-53 was approved.**

54. C14-99-0116 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code zoning property locally known as 5366 and 5408 U.S. Hwy 290 West at Southwest Parkway and 4815 Boston Lane, from DR, Development Reserve District zoning to CS, General Commercial Services district zoning for Tract 1; IP, Industrial Park District zoning for Tracts 2, 3, and 4; and R & D, Research and Development District zoning for Tract 5. First reading on November 4, 1999; Vote: 6-0 (KW absent). Conditions met as follows: Ordinance reflects conditions imposed by Council on first reading. Applicant: White Properties and Calvin L. Cole; Agent: Land Strategies, Inc. (Paul Linehan). City Staff: Adam Smith, 499-2755.

**Ordinance No. 991202-54 was approved.**

55. C14-99-2044 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as along east side of Mopac Expressway (Loop 1) South from Capitol of Texas Highway (Loop 360) South to U.S. Highway 290 West and State Highway 71 West from I-RR, Interim Rural Residence District and SF-2, Single Family Residence-Standard Lot District zoning to P, Public District zoning. First reading on November 18, 1999; Vote: 7-0. Conditions met as follows: No conditions were imposed by Council on first ordinance reading. Applicant: City of Austin; Agent: City of Austin, Parks and Recreation Department, Sarah Campbell. City Staff: Adam Smith, 499-2755.

**Ordinance No. 991202-55 was approved.**

56. C14-99-2050 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code zoning property locally known as 1316 South Congress Avenue from CS, General Commercial Services District zoning to CS-1, Commercial-Liquor Sales District zoning. First reading on November 18, 1999; Vote 7-0. Applicant: Luce, Inc. (Elizabeth

Lambert); Agent: Urban Design Group (Norma Pena Raven). City Staff: Adam Smith, 499-2755.

**Ordinance No. 991202-56 was approved.**

57. Authorize the issuance of ABIA Development Corporation of Airport Facilities Revenue Bonds (Aero Austin, LP Project) Series 1999, in an amount not to exceed \$6,000,000.

**This item was postponed to December 9, 1999.**

58. Approve the issuance of ABIA Development Corporation of Airport Facilities Revenue Bonds (Aero Austin, LP Project) Series 1999, in an amount not to exceed \$6,000,000. (No fiscal impact on the City. The bonds are not debts to the City and are the sole obligation of the corporation. The bonds are repaid from revenue generated by the facilities constructed.)

**This item was postponed to December 9, 1999.**

**Items 59 and 60 were set for a special called meeting at 4:30 p.m.**

61. Approve a resolution recognizing success, dedication, and commitment of the Community Mentor-Protege Initiative Program. (Council Member Willie Lewis)

**This item was pulled off the agenda by staff and no action was taken.**

62. Approve a resolution requesting that the Community Action Network review a funding request submitted by Austin Midnight Basketball and make recommendations regarding possible changes in funding sources for the organization. (Mayor Pro Tem Jackie Goodman)

**Resolution No. 991202-62 was approved.**

63. Waive the requirements of City Code Section 15-11-18 regarding street closures for the Motorola Marathon February 20, 2000. (Council Member William Spelman and Mayor Kirk Watson)

**Ordinance No. 991202-63 was approved.**

64. A resolution directing the City Manager to prepare a report to City Council by January 27, 2000 on current operations, management, and condition of staff positions and sites of service provision, as well as city management's long-term expectations and vision for governance of financing and operation of city clinics. (Mayor Pro Tem Jackie Goodman, Council Member Gus Garcia)

**Resolution No. 991202-64 was approved.**

**The motion to recess the Council meeting at 2:22 p.m. and go into Executive Session was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Lewis was absent.**

**Private Consultation with Attorney - Section 551.071**

4. Discuss *John Ross, et al. v. City of Austin*, Cause No. 95-12853, in the Travis County District Court.

7. Ethel Spiller, et al. v. Robert Walker, et al. (also known as the Longhorn Pipeline Litigation)



9. Discuss City of Austin v. BFI Waste Systems of North America, Inc., et al, Cause No. 2295; in the Travis County County Court at Law
10. Discuss legal issues related to settlement in *Josie Ellen Champion, et al., v. City of Austin*, Cause No. 94-07160, in the Travis County District Court.

### **DISCUSSION ITEMS**

26. Approve a resolution authorizing negotiation and execution of an amendment to a professional services agreement with AIRPORT AND AVIATION PROFESSIONALS, INC., Naples, Florida, Contract No. M2045M, to provide financial consulting services to the Department of Aviation in an amount not-to-exceed \$75,000.00, for an amended total contract amount of \$163,000. (Funding in an amount of \$75,000 is included in the 1999-2000 Approved Capital Budget for Aviation.) Sole Source. No MBE/WBE subcontracting opportunities were identified. (Not Recommended by Airport Advisory Board Review)  
**Resolution No. 991202-26 was approved on Council Member Garcia's motion, Mayor Watson's second by a 6-0 vote. Council Member Lewis was absent.**
36. Approve a resolution authorizing execution of a construction contract with AUSTIN BRIDGE AND ROAD, INC., Austin, Texas, for Transportation System Management Improvements at the intersection of North Loop Boulevard and Burnet Road and at the intersection of North Loop Boulevard and North Lamar Boulevard, in the amount of \$1,471,186.50 plus \$147,118.65 contingency, for a total contract amount not to exceed \$1,618,305.15. (Funding in an amount of \$1,313,396.15 was included in the 1999-2000 Approved Capital Budget of the Department of Public Works & Transportation; \$141,641.50 was included in the 1995-96 Amended Capital Budget of the Water & Wastewater Utility; \$163,267.50 was included in the 1997-1998 Amended Capital Budget of the Water & Wastewater Utility.) Low bid of four. 28.47% MBE, 6.78% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)  
**Resolution No. 991202-36 was approved on Council Member Griffith's motion, Council Member Spelman's second by a 6-0 vote. Council Member Lewis was absent.**

37. Approve a resolution authorizing execution of a construction contract with AUSTIN BRIDGE AND ROAD, INC., Austin, Texas, for street reconstruction and utility improvements on Burlson Road from Ben White Boulevard to Oltorf Street, for the Street Reconstruction Bond Project, in the amount of \$1,379,224.30, plus \$68,961.22 contingency, for a total amount not to exceed \$1,448,185.52. (Funding in an amount of \$1,386,061.50 is included in the 1999-2000 Approved Capital Budget of the Department of Public Works & Transportation; \$4,690 is available in the 1999-2000 Operating Budget of the Watershed Protection Department; \$11,390 was included in the 1995-1996 Amended Capital Budget of the Water & Wastewater Utility; \$46,044 was included in the 1997-98 Amended Capital Budget of the Water & Wastewater Utility.) Low bid of seven. 9.41% MBE, 3.17% WBE subcontracting participation.

**Resolution No. 991202-36 was approved on Council Member Griffith's motion, Council Member Spelman's second by a 6-0 vote. Council Member Lewis was absent.**

#### **4:00 P.M. - ZONING HEARINGS**

**All of the following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and the consent items were approved on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Council Member Lewis was absent.**

65. C14-74-177 – Public hearing to amend Chapter 25-2 of the Austin City Code by terminating the restrictive covenant for property locally known as 4230-4420 Ed Bluestein Blvd. Planning Commission Recommendation: To Grant the request to terminate the restrictive covenant. Applicant: 183 Commercial Site, Ltd. (David Saling); Agent: Brown McCarroll & Oak Hartline (Jerry L. Harris). City Staff: Susan Villarreal, 499-6319.

**Ordinance No. 991202-65 was approved.**

66. C14-85-382 - Public hearing to amend Chapter 25-2 of the Austin City Code by amending the restrictive covenant for property locally known as 4230-4420 Ed Bluestein Blvd. Planning Commission Recommendation: To Grant approval of the restrictive covenant amendment. Applicant: 183 Commercial Site, Ltd. (David Saling) Agent: Brown McCarroll & Oak Hartline (Jerry L. Harris). City Staff: Susan Villarreal, 499-6319.

**Ordinance No. 991202-64 was approved.**

**Items 67 through 71 were pulled for discussion.**

72. C14-98-0257 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located Southwest of Harrisglenn Drive & East Howard Lane from DR, Development Reserve District zoning to GR, Community Commercial District zoning. Planning Commission Recommendation: To Grant LO, Limited Office District zoning for Tract 1 and LO-CO, Limited Office-Conditional Overlay Combining District zoning with conditions for Tracts 2 & 3 and GR, Community Commercial District zoning for Tracts 4 & 5. Applicant: Ridge Investors, Ltd. (Darren B. Casey); Agent: Land Strategies, Inc. (Paul Linehan). City Staff: David Wahlgren, 499-6455.

**The first reading of this ordinance was approved.**

73. C14-98-0258 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located at East Howard and Harrisglenn Drive from DR, Development Reserve District zoning to MF-2, Multifamily Residence (Low Density) District zoning. Planning Commission Recommendation: To Grant MF-2-CO, Multifamily Residence (Low-Density)-Conditional Overlay Combining District zoning with conditions. Applicant: Ridge Investors, Ltd. (Darren B. Casey); Agent: Land Strategies, Inc. (Paul Linehan). City Staff: David Wahlgren, 499-6455.

**The first reading of this ordinance was approved.**

74. C14-98-0266 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 14003-14007 U. S. Highway 183 North from DR, Development Reserve District zoning to GR, Community Commercial District zoning. Planning Commission Recommendation: To Grant GR, Community Commercial District zoning with conditions. Applicant: Wolf Family Trust (Thomas J. Wolf, Jr.); Agent: Minter Joseph Thornhill (Jeff Howard). City Staff: David Wahlgren, 499-6455. (continued from 7/22/99, 9/9/99 and 11/18/99)

**The first reading of this ordinance was approved.**

**Items 75 through 77 were pulled for discussion.**

78. C14H-99-0006 - Schieffer House/Agricultural Extension Office - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1154 Lydia Street from CS-1-NCCD, Commercial-Liquor Sales District to CS-1-NCCD-H, Commercial-Liquor Historic District zoning. Planning Commission recommendation: To grant CS-1-NCCD-H, Commercial-Liquor Historic District zoning. Applicant: City of Austin. Agent: Development, Review and Inspection Department. City Staff: Barbara Stocklin, 499-2414.

**The first reading of this ordinance was approved. I show first reading of 79 was done here and approved.**

**Item 79 was reconsidered later in the meeting.**

#### **DISCUSSION ITEMS CONTINUED**

50. C14-98-0158 – Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code zoning property locally known as 7100-7104 McNeil Drive from I-RR, Interim-Rural Residence District to SF-6-CO, Townhouse and Condominium Residence-Conditional Overlay District zoning with conditions. First reading on April 8, 1999; Vote 7-0. Applicant: D.I.I., Inc. (Frank Greenberg); City Staff: Tammie Williamson, 499-6455. (continued from 11/18/99)

**The second reading of this ordinance was approved on Mayor Pro Tem Goodman's motion, Council Member Spelman's second by a 6-0 vote. Council Member Lewis was absent.**

**The motion to recess the regular Council meeting was approved on Council Member Garcia's motion, Council Member Spelman's second by a 6-0 vote. Council Member Lewis was absent.**

**4:30 P.M. SPECIAL CALLED MEETING**

The City Council of Austin, Texas convened a special Called Meeting at 4:30 p.m., on Thursday, December 2, 1999, at City Council Chambers, 307 West Second Street for the following matter:

59. Appoint and set compensation for the Municipal Court associate judges and substitute judges and for the community court judge for the 2000-2001 judicial term. (Mayor Kirk Watson, Mayor Pro Tem Jackie Goodman, Council Member Gus Garcia)

**Ordinance No. 991202-59 was approved on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Lewis was absent.**

60. Discuss a selection process for the Municipal Court presiding judge. (Mayor Kirk Watson, Mayor Pro Tem Jackie Goodman, Council Member Gus Garcia)

**Resolution No. 991202-60 was approved on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Lewis was absent.**

**ADJOURNED the Special Called Meeting at 4:35 p.m. on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Council Member Lewis was absent.**

**Mayor called the regular Council Meeting back to order at 4:35 p.m.**

**DISCUSSION ZONING ITEMS**

79. C14H-99-2001 - Edgar Perry, Jr. House - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 Park Boulevard from "SF-3", Family Residence district to SF-3-H, Family Residence-Historic District zoning. Planning Commission recommendation: To grant SF-3-H, Family Residence-Historic district zoning. Applicant: Hal Morris and Lorie Friend. City Staff: Barbara Stocklin, 499-2414.

**The first reading of this ordinance was approved.**

**A motion to reconsider item 79 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Council Member Lewis was absent.**

**Ordinance No. 991202-79 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Council Member Lewis was absent.**

80. C14-99-2028 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1625 Parmer Lane from DR, Development Reserve District zoning to GR, Community Commercial District zoning. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions. Applicant: Our Savior Lutheran Church (Keith Gravesmill); Agent: Consort, Inc. (Steve King). City Staff: Katie Larsen, 499-3072. (Continued from 11/18/99)

**Ordinance No. 991202-80 was approved with a friendly amendment by Council Member Spelman to amend the Planning Commission Recommendation by not prohibiting fast food restaurants, but specifically allowing fast food restaurants and also maintaining restaurants general as the only uses of that GR-CO zoning and all other would be LR uses. The friendly amendment was accepted by Council Member Garcia who made the motion and Mayor Watson who made the second. The ordinance was approved on Council Member Garcia's motion, Mayor Watson's second by a 5-1 vote. Mayor Pro Tem Goodman voted no. Council Member Lewis was absent.**

77. C14-99-0137 - Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 9518 Anderson Mill Road from I-RR, Interim-Rural Residence District to LI, Limited Industrial Service District zoning. Planning Commission Recommendation: To grant LI-CO, Limited Industrial Service-Conditional Overlay Combining District zoning with conditions. Applicant: William and Robert Balzen. City Staff: David Wahlgren, 499-6454. (continued from 9-30-99 and 11-4-99).

**The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Garcia's second by a 4-0 vote. Council Members Griffith and Spelman were off the dais. Council Member Lewis was absent.**

**The first reading of this ordinance was approved on Council Member Garcia's motion, Mayor Watson's second by a 6-0 vote. Council Member Lewis was absent.**

75. C14-99-0078 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located South of Wilson Parke Avenue on FM 620 from I-RR, Interim-Rural Residence District zoning to GR, Community Commercial District zoning. Planning Commission Recommendation: To Grant GR, Community Commercial District zoning with conditions. Applicant: Tomen-Parke Associates, Ltd. (James McCarthy); Agent: Richardson Verdoorn (Sandra Nash). City Staff: Clark Patterson, 499-2464.

**First reading of this ordinance was approved on Council Member Garcia's motion, Mayor Watson's second by 5-1 vote. Council Member Slusher voted no. Council Member Lewis was absent.**

76. C14-99-0079 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located at Wilson Parke Avenue and FM 620 from I-RR, Interim-Rural Residence District zoning to GR, Community Commercial District zoning for Tract 1 and GO, General Office District zoning for Tract 2. Planning Commission Recommendation: To Grant GR, Community Commercial District zoning with conditions for Tract 1 and GO, General Office District zoning with conditions for Tract 2. Applicant: Tomen-Parke Associates, Ltd. (James McCarthy); Agent: Richardson Verdoorn (Sandra Nash). City Staff: Clark Patterson, 499-2464.

**First reading of this ordinance was approved on Council Member Garcia's motion, Mayor Watson's second by 5-1 vote. Council Member Slusher voted no. Council Member Lewis was absent.**

#### **ACTION ON EXECUTIVE SESSION ITEMS**

13. Consider settlement proposal in *John Ross, et al. v. City of Austin*, Cause No. 95-12853, in the Travis County District Court.

**The motion to settle in an amount of \$1,082,000 was approved on Council Member Griffith's motion, Council Member Garcia's second, by a 6-0 vote. Council Member Lewis was absent.**

#### **ZONING DISCUSSION ITEMS CONTINUED**

**The motion to suspend the rules and allow 50 minutes of public comment for both sides on items 67 – 71 was approved on Council Member Slusher's motion, Council Member Griffith's second by a 6-0 vote. Council Member Lewis was absent.**

67. C14-98-0161 – Champion Property – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 6507 Winterberry Drive from DR, Development Reserve District to SF-2, Single-Family Residence (Standard Lot) District zoning. Planning Commission Recommendation: To grant SF-2-CO, Single-Family

Residence (Standard Lot)-Conditional Overlay Combining District zoning with conditions. Applicant: Josie Champion, Juanita Meier and Mary Roberson; Agent: Graves, Dougherty, Heaton & Moody (Mike Whellan). City Staff: Ellen Meadows, 499-2339. (continued from 9/30/99 and 11/4/99)

**The public hearing on items 67-70 were closed on Council Member Slusher's motion, Council Member Spelman's second by a 5-0 vote. Council Member Garcia was off the dais. Council Member Lewis was absent.**

**Council Member Slusher made the following motion. On first reading only, approve these provisions of the neighborhood plan.**

- (1) A traffic cap of six thousand five hundred (6,500) trips per day or fewer generated as a result of total development on the four tracts.**
- (2) Champion Tract 1, Subtract 1A would be zoned SF-2.**
- (3) Ingress and egress to/from the single-family homes on Champion Subtract 1A need to be clarified by the Champions as there is no ingress from Winterberry Drive as mentioned in a prior version of proposal.**
- (4) Champion tract 1, Subtract 1B would be zoned SF-2-CO.**
- (5) Through a conditional overlay, the number of single-family lots will not exceed one hundred (100).**
- (6) Champion Tract 1, Subtract 1C zoning would be LR-CO.**

- (7) Setback from creek will be a minimum of two hundred (200') and/or as flood plain dictates.
- (8) Lead clean up on Champion Subtract 1C will be completed and approved before zoning on Subtract 1C is changed.
- (9) Total square feet of retail limited to forty thousand (40,000).
- (10) Champion Tract 1, Subtract 1D would be zoned LO-CO.
- (11) Setback from creek will be a minimum of two hundred feet (200') and/or as flood plain dictates.
- (12) Lead clean up on Champion Subtract 1D will be completed and approved before zoning on Subtract 1D is changed.
- (13) Total square feet of office limited to two hundred and thirty thousand (230,000)
- (14) Building height limited to forty feet (40')
- (15) Champion Tract 2 would be zoned LR-CO Plan.
- (16) Setback from creek will be a minimum of two hundred feet (200') and/or as flood plain dictates.
- (17) Total square feet of retail limited to four thousand (4,000).
- (18) Champion Tract 3 would be zoned LR-CO.
- (19) Setback from creek will be a minimum of two hundred feet (200') and/or as flood plain dictates.
- (20) Setback from single-family homes in Shepherd's Mountain will be a minimum of three hundred feet (300').
- (21) Total square feet of office limited to thirty thousand (30,000)
- (22) Building height limited to twenty-eight feet (28').

**Champion Tract 5:**

- (23) Zoning of GR-CO, with the following conditional overlays.
  - (a) No structure or portion thereof shall be constructed or maintained within seventy-five feet (75') of the bluff (slopes greater than 25%) situated adjacent to the eastern property line of the tract. No improvements of any

**kind shall be permitted within fifty feet (50') of said bluff and said fifty feet (50') shall be maintained as an undisturbed vegetative buffer.**

**(b) No commercial ingress or egress off of Lakewood Drive.**

**(c) No structure of any kind shall be built to a height greater than twenty feet (20') above the ground level of the property.**

**(24) Total square feet of retail limited to six thousand (6,000).**

**This motion was seconded by Mayor Watson. A friendly amendment was made by Mayor Pro Tem Goodman as it applies to Tract 1, Subtract 1-C & 1-D, the condition of lead cleanup would be completed and approved prior to the issuance of a building permit for residential tracts for which a site plan is not required and that condition be met prior to the release of site plans for those tracts requiring a site plan.**

**The motion with the friendly amendment passed on first reading on a 6-0 vote. Council Member Lewis was absent.**

68. C14-98-0162 – Champion Property – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 6011-6411 City Park Road, 5801-6507 FM 2222 from SF-2, Single-Family Residence (Standard Lot) District to GO-MU, General Office-Mixed Use Combining District zoning. Planning Commission Recommendation: To grant GO-MU-CO, General Office-Mixed Use- Conditional Overlay Combining District zoning with conditions for Tract 3. Applicant: Josie Champion, Juanita Meier, and Mary Roberson; Agent: Graves, Dougherty, Hearon & Moody (Mike Whellan) and Lockwood Engineers, Inc. (Fred Lockwood). City Staff: Ellen Meadows, 499-2339. (continued from 9/30/99 and 11/4/99)

**The public hearing was closed on Council Member Slusher's motion, Council Member Spelman's second by a 5-0 vote. Council Member Garcia was off the dais. Council Member Lewis was absent.**

**This item was approved on Council Member Slusher's motion, Mayor Watson's second, by a 6-0 vote. Council Member Lewis was absent. (See item 67 for details.)**

69. C14-98-0163 – Champion Property – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 5614-5620 FM 2222; 6300-6406 Lakewood Drive; 6700-6708 Lakewood Drive; 6401-6711 Capital of Texas Highway North from SF-2 Single-Family Residence (Standard Lot) District to GR-MU, Community Commercial-Mixed Use Combining District zoning. Planning Commission Recommendation: To grant GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay Combining District zoning with conditions for Tract 5. Applicant: Josie Champion, Juanita Meier, and Mary Roberson; Agent: Graves, Dougherty, Hearon & Moody (Mike Whellan) and Lockwood Engineers, Inc. (Fred Lockwood). City Staff: Ellen Meadows, 499-2339. (continued from 9/30/99 and 11/4/99) Note: A valid petition has been filed in opposition to this rezoning request.



**The public hearing was closed on Council Member Slusher's motion, Council Member Spelman's second by a 5-0 vote. Council Member Garcia was off the dais. Council Member Lewis absent.**

**This item was approved on Council Member Slusher's motion, Mayor Watson's second, by a 6-0 vote. Council Member Lewis was absent. (See item 67 for details.)**

70. C14-99-0076 – Champion Property – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 5800-6802 FM 2222 and 6100-6712 Capital of Texas Highway North from DR, Development Reserve District and SF-2, Single-Family Residence (Standard Lot) District to MF-2, Multifamily Residence (Low Density) District zoning for Tract 1B; from SF-2, Single-Family Residence (Standard Lot) District to GR-MU, Community Commercial-Mixed Use Combining District zoning for Tract 1C; from DR, Development Reserve District and SF-2, Single-Family Residence (Standard Lot) District to GO-MU, General Office-Mixed Use Combining District zoning for Tract 1D. Planning Commission Recommendation: To grant MF-1-CO, Multifamily Residence (Limited Density)-Conditional Overlay Combining District zoning with conditions for Tract 1B; GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay Combining District zoning with conditions for Tract 1C; GO-MU-CO, General Office-Mixed Use-Conditional Overlay Combining District zoning with conditions for Tract 1D. Applicant: Josie Champion, Juanita Meier, and Mary Roberson; Agent: Graves, Dougherty, Hearon & Moody (Mike Whellan). City Staff: Ellen Meadows, 499-2339. (continued from 9/30/99 and 11/4/99)

**The public hearing was closed on Council Member Slusher's motion, Council Member Spelman's second by a 5-0 vote. Council Member Garcia was off the dais. Council Member Lewis was absent.**

**This item was approved on Council Member Slusher's motion, Mayor Watson's second, by a 6-0 vote. Council Member Lewis was absent. (See item 67 for details.)**

71. C14-99-0077 – Champion Property – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 6100-6404 City Park Road and 6509-6909 FM 2222 from DR, Development Reserve District to GR-MU-CO, Community Commercial-Mixed Use Conditional Overlay Combining District zoning with conditions. Planning Commission Recommendation: To grant; GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay Combining District zoning with conditions for Tract 2. Applicant: Josie Champion, Juanita Meier, and Mary Roberson; Agent: Graves, Dougherty, Hearon & Moody (Mike Whellan). City Staff: Ellen Meadows, 499-2339. (continued from 9/30/99 and 11/4/99) Note: A valid petition has been filed in opposition to this rezoning request.

**The public hearing was closed on Council Member Slusher's motion, Council Member Spelman's second by a 5-0 vote. Council Member Garcia was off the dais. Council Member Lewis was absent.**

**This item was approved on Council Member Slusher's motion, Mayor Watson's second, by a 5-1 vote. Mayor Pro Tem Goodman voted no. Council Member Lewis was absent.**

84. Conduct a public hearing for the limited purpose annexation of the 1,630-acre Avery Ranch tract, located approximately 1.5 miles north of the intersection of FM 620 and Parmer Lane.  
**The public hearing was closed on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Lewis was absent.**
81. Conduct a public hearing-amending Article IV of Chapter 25-12 of the City Code to adopt Section 300-11(a) of the National Electrical Code, 1996 edition regarding electrical installations in fire rated ceiling assemblies. (Recommended by Electrical Board)  
**The public hearing was closed on Council Member Slusher's motion, Council Member Garcia's second by a 6-0 vote. Council Member Lewis was absent.**
86. Approve an ordinance-amending Article IV of Chapter 25-12 of the City Code to adopt Section 300-11(a) of the National Electrical Code, 1996 edition regarding electrical installations in fire rated ceiling assemblies.  
**Ordinance No. 991202-86 was approved on Council Member Garcia's motion, Council Member Spelman's second by a 6-0 vote. Council Member Lewis was absent.**
82. Conduct a public hearing amending Section 25-12-113 of the City Code (Electrical Code) regarding reciprocal licenses. (Recommended by Electrical Board)  
**The public hearing was closed on Council Member Griffith's motion, Council Member Slusher's second by a 6-0 vote. Council Member Lewis was absent.**
87. Approve an ordinance amending Section 25-12-113 of the City Code (Electrical Code) regarding reciprocal licenses. (Recommended by Electrical Board)  
**Ordinance No. 991202-87 was approved on Council Member Spelman's motion, Mayor Watson's second by a 6-0 vote. Council Member Lewis was absent.**
83. Conduct a public hearing on an ordinance-amending Chapter 25-2 regarding the use and site development regulations for telecommunications towers.  
**The public hearing was closed on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Lewis was absent.**
88. Approve an ordinance-amending Chapter 25-2 regarding the use and site development regulations for telecommunications towers.  
**The first reading of this ordinance was approved with an amendment to line 23 on page 2 that the 100 foot restriction be changed to 50 foot from commercial day care centers on Council Member Spelman's motion, Council Member Garcia's second by a 5-1 vote. Mayor Pro Tem Goodman voted no. Council Member Lewis was absent. Staff is to investigate a 50 foot setback in residential areas for poles more than 50 feet in height.**
41. Consider a request by the taxicab franchise holders to change the taximeter rate of fare.  
**The motion to deny the request was approved on Council Member Spelman's motion, Mayor Watson's second by 6-0 vote. There was friendly amendment by Council Member Slusher that staff do an analysis and recommend a more reasonable increase. This was approved by both the maker of the motion and Mayor Watson who made the second.**

**The motion was made to suspend the rules and continue the meeting past 10:00 p.m. on Council Member Slusher's motion, Council Member Griffith's second by a 4-2 vote. Mayor Watson and Council Member Garcia voted no. Council Member Lewis was absent.**

1. Barton Springs Zone data (To be conducted at 6 p.m. in conjunction with the Bradley Development Settlement public hearing)  
**The public hearing was closed on Council Member Griffith's motion, Council Member Spelman's second by a 6-0 vote. Council Member Lewis was absent.**
85. Conduct a public hearing to discuss Bradley Settlement.  
**The public hearing was closed on Council Member Griffith's motion, Council Member Spelman's second by a 6-0 vote. Council Member Lewis was absent.**
5. Consider the appointment and compensation of municipal court substitute judges, associate judges, and the community court judge for the 2000-2001 judicial term.  
**The Council did not go into Executive Session on this item.**
14. Consider settlement proposal in City of Austin v. BFI Waste Systems of North America, Inc., et al, Cause No. 2295; in the Travis County County Court at Law.  
**There was no action was taken on this item.**
29. Approve a resolution authorizing negotiation and execution of a cost reimbursement agreement with Anderson Mill 79 Venture, Rodney L. Madden, manager, providing terms and conditions for construction of a 18 and 24-inch wastewater main and appurtenances to provide wastewater service within and near the proposed Stanzel Brothers Subdivision located at approximately 8500 Anderson Mill Road with City cost reimbursement in an amount not to exceed \$898,437; adopt an Ordinance waiving the requirements of Section 25-9-39, City Code, relating to the posting of fiscal security for construction of the 18 and 24-inch wastewater main; waiving construction inspection fees for the 18 and 24-inch wastewater mains in an amount not exceed \$42,675.75; waiving the requirements of Section 25-9-67, City Code, relating to cost reimbursement payments. The proposed wastewater improvements are Phase III-B of the Balcones Lift Station Wastewater Relief Main, Capital Improvement Project Number 4570-237-8222. (Funding in an amount of \$941,112.75 is included in the 1999-2000 Amended Capital Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission)  
**This item was pulled off the agenda by staff and no action was taken.**

**ADJOURNED at 11:08 p.m. on Council Member Slusher's motion, Council Member Griffith's second by a 6-0 vote. Council Member Lewis was absent.**

**The minutes for the Regular Meetings of December 2, 1999 and December 9, 1999 were approved on this the 16<sup>th</sup> day of December, 1999 on Council Member Lewis' motion, Council Member Spelman's second by a 4-0 vote. Mayor Pro Tem Goodman, Council Members Garcia and Slusher were off the dais.**

